



## **II. Election/Restrictions**

In accordance with 37 CFR 1.499, the examiner has required applicant to elect a single invention to which the claims are restricted because, according to the examiner, this application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I, claim(s) 1-21, drawn to an isolated nucleic acid molecule encoding the transcription factor Hahb-4, a vector, host cell, transgenic plant or a method of producing a water-stress tolerant transgenic plant comprising said nucleic acid molecule, or wherein said nucleic acid molecule is defined in SEQ ID NOs: 1 or 2.

Group II, claim(s) 22-29, and 32-40, drawn to an isolated nucleic acid molecule comprising a promoter, a construct, host cell, transgenic plant, or a method for obtaining a transgenic plant, or wherein said promoter sequence is defined in SEQ ID NO: 3.

Group III, claim(s) 22-29, and 32-40, drawn to an isolated nucleic acid molecule comprising a promoter, a construct, host cell, transgenic plant, or a method for obtaining a transgenic plant, or wherein said promoter sequence is defined in SEQ ID NO: 10.

Group IV, claim(s) 30-31, drawn to a method

for expressing at least one protein of interest  
in a host cell, comprising SEQ ID NO: 3.

Group V, claim(s) 30-31, drawn to a method  
for expressing at least one protein of interest  
in a host cell, comprising SEQ ID NO: 10.

The examiner states that the inventions listed as Group I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features because the technical feature linking Groups I-V appears to be a nucleic acid sequence encoding Hahb-4 transcription factor and Chan et al. (NCBI, GenBank Sequence Accession No. AF339748, Published March 26, 2001) teach a nucleic acid sequence encoding Hahb-4 transcription factor. Also Gago et al. (NCBI, GenBank Sequence Accession No. AF339749, Published March 26, 2001) teach Hahb-4 gene promoter region. The examiner emphasizes that a fragment of SEQ NO: 1 or SEQ ID NO: 2 reads on a nucleic acid sequence encoding any Hahb-4 transcription factor protein.

Applicants elect Group I for further prosecution.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 14-1263.

USSN: 10/520,033  
Response to Office Action dated October 30, 2007  
Atty Docket: 101141-21  
Page 4

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By /Serle Ian Mosoff/  
Serle Ian Mosoff  
Attorney for Applicant(s)  
Reg. No. 25,900

875 Third Avenue - 18<sup>th</sup> Floor  
New York, New York 10022  
Phone: (212) 808-0700  
Fax: (212) 808-0844